

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HyperCube LLC and KMC Data LLC)	
)	
Plaintiffs,)	
)	C. A. No. 07-822-GMS
v.)	
)	
Qwest Communications Corporation)	
)	
Defendant.)	
)	

**DEFENDANT'S MOTION TO STAY FEDERAL PROCEEDINGS PENDING
RESOLUTION OF PARALLEL STATE COURT ACTION**

Defendant Qwest Communications Corporation ("Qwest"), by and through its undersigned attorneys, hereby moves this Court for an order staying this action pending disposition of an action now scheduled for trial on June 9, 2008 before a Colorado state court. The grounds for this motion are fully set forth in Defendant's Opening Brief in Support of Its Motion to Stay Federal Proceedings Pending Resolution of Parallel State Court Action and the Declaration of Amy L. Benson, filed contemporaneously herewith.

Counsel for Qwest has consulted with Plaintiffs' counsel and Plaintiffs have indicated that they are not currently in a position to consent to the relief sought in the instant motion. The certification required by Local Rule 7.1.1 is attached hereto.

Along with the instant Motion, Qwest is simultaneously filing a Motion to Dismiss Counts II, III, IV and V of Plaintiffs' Complaint and a Motion to Transfer This Proceeding to the District of Colorado Pursuant to 28 U.S.C. §1404. Qwest respectfully requests that the Court decide the Motion to Transfer this case to Colorado before deciding this Motion or the Motion to Dismiss.

Of Counsel:

Timothy R. Beyer

Amy L. Benson


Lauren E. Schmidt

Brownstein Hyatt Farber Schreck, P.C.

410 Seventeenth Street, 22nd Floor

Denver, CO 80202-4437

Telephone: 303-223-1100



Frederick L. Cottrell, III (#2555)

cottrell@rlf.com

Jeffrey L. Moyer (#3309)

moyer@rlf.com

Richards, Layton & Finger, P.A.

One Rodney Square

920 North King Street

Wilmington, DE 19801

302-651-7700

Attorneys for Defendant

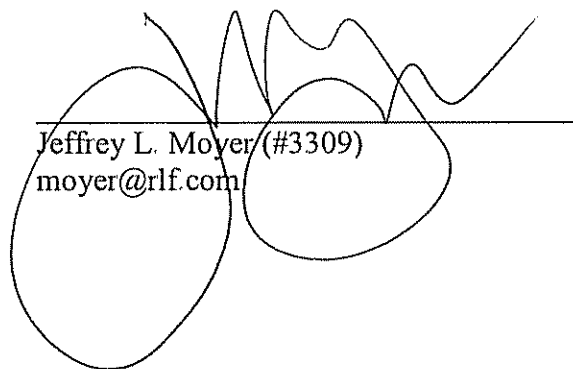
Qwest Communications Corporation

Dated: January 22, 2008

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2008, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Richard L. Horwitz
Potter Anderson & Corroon, LLP
1313 N. Market Street
Hercules Plaza, 6th Floor
P. O. Box 951
Wilmington, DE 19899-0951


Jeffrey L. Moyer (#3309)
moyer@rlf.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HyperCube LLC and KMC Data LLC)	
)	
Plaintiffs,)	
)	C. A. No. 07-822-GMS
v.)	
)	
Qwest Communications Corporation)	
)	
Defendant.)	
)	

ORDER

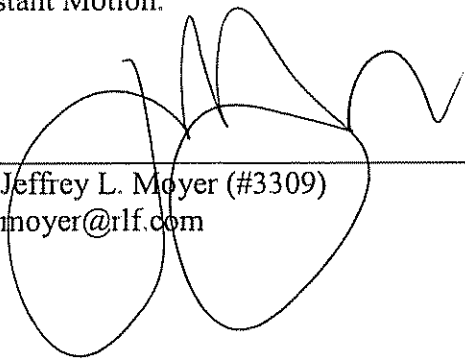
The Court, having considered Defendant's Motion to Stay Federal Proceedings Pending Resolution of Parallel State Court Action (the "Motion") and the briefing and argument related thereto,

IT IS HEREBY ORDERED this ____ day of _____, 2008, that the Motion is GRANTED.

United States District Judge

CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1

Pursuant to District of Delaware Local Rule 7.1.1, the undersigned counsel hereby certifies that he has consulted with counsel for Plaintiff and has confirmed that the Plaintiff is not in a position to consent to the relief sought by the instant Motion.



Jeffrey L. Moyer (#3309)
moyer@rlf.com